United Nations CEDAW/C/SR.1193

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
24 February 2014

English only

Committee on the Elimination of Discrimination against Women
Fifty-seventh session

Summary record of the 1193rd meeting
Held at the Palais des Nations, Geneva, on Friday, 14 February 2014, at 10 a.m.

Chairperson: Ms. Ameline

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GE.14-40954 (E) 200214 240214

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women *(continued)*

Combined third and fourth periodic reports of Kazakhstan (CEDAW/C/KAZ/3-4; CEDAW/C/KAZ/Q/3-4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Kazakhstan took places at the Committee table.*

2. **Ms. Bekbossynova** (Kazakhstan), introducing the combined third and fourth periodic reports of Kazakhstan (CEDAW/C/KAZ/3-4), said that her Government had adopted a plan of action for implementing the Committee's previous recommendations (CEDAW/C/KAZ/CO/2). The implementation of that plan was monitored on an annual basis. Important legislation adopted during the reporting period included a law on State guarantees of equal rights and opportunities for men and women and the Domestic Violence Act. Kazakhstan was recognized as a leader in gender mainstreaming in Central Asia.

3. The country's Gender Equality Strategy for 2006–2016 focused on ensuring economic equality by helping people to achieve economic independence, upholding the right to work in any chosen profession and promoting a work/life balance. In addition, funding for the Women's Enterprise Programme had increased sevenfold since the programme's inception in 2002. A system had been established under the 2020 Business Road Map to provide targeted grants to innovative start-ups in priority sectors of the economy. One in every five recipients of those grants was a woman. Nearly 4,000 women had received training in the basic skills involved in running a business, and a similar number had received microcredits for use in starting up their own business ventures. As part of the implementation of the Road Map, a number of vocational education programmes, job creation strategies and internship and work placement schemes had been developed; the percentage of women participants in those initiatives was significant. As a result, the number of women in employment had increased by 13 per cent during the reporting period, while unemployment among women had decreased to account for 55 per cent of total unemployment.

4. Kazakhstan had an ageing population; pensioners accounted for over 10 per cent of the population, and more than half of them were women. In 2013, steps had been taken to begin updating national legislation by, among other things, bringing the retirement age for women into line with the retirement age for men by 2027. In keeping with the 2020 Employment Road Map, efforts would be made to build up women's job skills by providing them with free education, opportunities to start and expand their own businesses, and the option of moving to economically dynamic urban areas if they so wished. Since 2011, more than 100,000 women had benefited from activities conducted in connection with the Road Map.

5. Efforts were being made to improve maternal and child health protection in line with recommendations made by the World Health Organization. The number of medical check-ups for children and reproductive health screenings for women had been increased. Developments in highly specialized areas of paediatrics, such as neonatal surgery, had significantly reduced infant mortality rates.

6. Women's participation in politics was considered to be an important driver of development. Some 55 per cent of civil servants in Kazakhstan were women, while the representation of women in political parties ranged from 20 to 55 per cent. During the reporting period, the number of women in government had doubled, and a female deputy

prime minister had been appointed in 2013. Quotas had not been used as a means of ensuring gender equality in politics, but a plan of action was in place for promoting women's participation in decision-making, and the importance of having a gender balance was taken into account when compiling lists of candidates for political office. Following recent elections, the number of female *akims* (administrative heads) of rural communities had increased by 32. With regard to women in the judiciary, one third of Supreme Court judges and more than half of the judges in courts at oblast level were women.

7. Information campaigns were held regularly to promote women's participation in political and social life and, in particular, to encourage women to take leadership roles. A global women's congress was held annually as part of the Astana Economic Forum. In 2014, a women's forum would be held to discuss the role of women in the new economy. Women and men had equal opportunities to represent Kazakhstan at international level.

8. Every effort was being made to ensure that women had the same rights as men in the area of education. Equal access to education was guaranteed by law and in practice. All schools offered a good quality education to boys and girls alike. Nearly 50 per cent of students in vocational schools and 57 per cent of students in higher education were female. More than half of the Kazakh students who were studying abroad were women, and more women than men received scholarships. There were currently 37 gender-sensitive elective courses on offer in the higher education institutions of Kazakhstan, and gender issues received considerable media coverage.

9. A great deal of attention was being devoted to the issue of violence against women. At the Committee's recommendation, the Domestic Violence Act had been adopted and had entered into force, and the number of cases of domestic violence had fallen significantly as a result. Unfortunately, in recent years cases of early marriages had been reported. Concerted efforts were being made to prevent that from happening in the future. Crisis centres and shelters for women had been set up throughout the country and were coordinating their work with the police and NGOs. During the reporting period, 167 specialists, including psychologists, lawyers and social workers, had been on hand to assist victims who had sought refuge in those centres. Telephone hotlines were also available to assist women victims of domestic violence. A large-scale media campaign was being run to raise awareness about domestic violence, and a number of nationwide events had been organized as part of that campaign. Those events had also received broad publicity through social media and on the website of the Ministry of the Interior. The UN-Women multi-country office in Kazakhstan had made valuable contributions to that effort by disseminating articles and videos and organizing events on the prevention of domestic violence. The application of the Domestic Violence Act was being monitored with a view to identifying and bridging any loopholes or gaps in that law.

10. **Ms. Šimonović** said that she welcomed the State party's adoption of legislation on equal rights for men and women and on domestic violence. She would appreciate clarification on the legal status of the Convention in the State party. The Constitution of Kazakhstan stated that, in some cases, additional national laws had to be enacted before the provisions of international treaties could be invoked in court. She wished to know whether that was the case for the Convention, or whether the Convention itself was directly applicable. If so, were there any cases in which it had been directly invoked in the nation's courts? She would also like to know whether there was a definition of indirect discrimination in the country's laws that was in line with the definition contained in article 1 of the Convention.

11. **Ms. Pimentel** said that, in its replies to the Committee's list of issues (CEDAW/C/Q/3-4/Add.1), the State party had referred to a gender-based legal analysis of existing legislation and had reported that, "on the whole, it had found no indications or elements of gender inequality" in the instruments that had been analysed. She wished to

know whether the scope of that analysis had encompassed the identification of any gaps or shortcomings in legislation that could result in discrimination, or whether it had simply focused on identifying discriminatory provisions in the law.

12. **Ms. Neubauer** said that she would be interested in learning of some examples of the positive impact of transferring the secretariat of the National Commission on Women's Affairs and Family and Demographic Policy to the Office of the President. She would appreciate information on the staffing of the Commission's secretariat. What proportion of the staff worked directly on issues related to women's rights and gender equality? Did the Commission have its own budget? If not, how was it funded and was its funding sufficient? She would like clarification regarding the specific powers and mandate of the Commission. She would also like to know whether the Committee's recommendations had been incorporated into the work being done to develop a scientific basis for determining the priorities and principles of gender policy and whether NGOs were involved in that process. She wished to know how the implementation of action plans related to gender equality was evaluated and whether any shortcomings had been identified.

13. **The Chairperson** said that the State party was to be commended on the cross-cutting approach that it had applied in its report, which had encompassed health care, education, and women's participation in the economy and politics. She wondered whether that approach reflected a horizontal management structure in local administration and policymaking functions. As Kazakhstan was a crossroads of civilizations, she wished to know what steps were taken to ensure that women from ethnic minorities were taken into account in policymaking and in efforts to achieve gender equality.

14. **Ms. Bekbossynova** (Kazakhstan) said that international treaties to which Kazakhstan was party took precedence over domestic legislation.

15. **Mr. Bakirov** (Kazakhstan) said that the principles of non-discrimination and gender equality were enshrined in the country's laws. Any discriminatory practices that resulted in psychological or physical harm were subject to sanctions. All court decisions had to be gender-neutral, and the Labour Code upheld the principle of equality in all employment-related matters. National laws were fully compliant with both the spirit and the letter of the Convention, and efforts to further improve existing legislation continued.

16. **Ms. Kassenova** (Kazakhstan) said that international instruments to which Kazakhstan was party were an integral part of the country's legal system. In response to the Committee's recommendations, the courts had been encouraged to refer directly to those international instruments in their decisions. Statistics on the cases in which such references had been made were fed into a database, and she could cite several decisions as examples. In 2010, some 110 training courses on international instruments had been offered to judges, and efforts were also being made to educate the public about the rights set out in those instruments.

17. **Ms. Azzimova** (Kazakhstan) said that, pursuant to the Gender Equality Strategy for 2006-2016, all national laws were being examined to ensure their compliance with the principle of gender equality. While there was no strict framework for that procedure, the Ministry of Justice had established rules on how it should be carried out. Since 2010, legal experts had perused about 2,000 laws and bills and had not found any that ran counter to the principle of gender equality. Even if there were a law that did violate that principle, however, it would be superseded by the Convention, which prevailed over national laws. The Government recognized that no law was perfect and that there was always room for improvement.

18. **Ms. Satvaldinova** (Kazakhstan) said that the Criminal Code provided for prison sentences for persons found guilty of sexual harassment, and Parliament was considering

including provisions on sexual harassment in the workplace and in public places in the new Code of Administrative Offences.

19. **Ms. Bekbossynova** (Kazakhstan) said that the fact that the National Commission on Women's Affairs and Family and Demographic Policy was attached to the Office of the President was an advantage, as it made it possible to expedite work procedures. The National Commission worked at the regional and local levels, as well as the national level, and employed about 280 staff members. It had a budget of 30 million tenge, which was roughly 20 per cent of the entire government budget for women's affairs and family and demographic policy.

20. **Mr. Porubaimekh** (Kazakhstan) said that the Peoples' Assembly of Kazakhstan was a constitutional consultative body that represented ethnic groups from all regions of the country and followed the situation of women and inter-ethnic relations in Kazakhstan. Two national expert councils funded by the State conducted surveys and research on the situation of women and family affairs and presented their findings to the President and to Parliament.

21. **Ms. Neubauer** asked what shortcomings had been identified in the law on State guarantees of equal rights and opportunities for men and women and how the Government planned to address those flaws. According to information before the Committee, that law, as it stood, was not enforceable and did not provide for any temporary special measures or include a suitable definition of direct and indirect discrimination.

22. **Ms. Pimentel** said that it was her understanding that, under the Criminal Code, perpetrators of offences could in some cases be released from criminal liability if they reconciled with the victim and made good for the harm caused. She wished to know whether the risks which that provision posed for women victims of violence had been analysed, as reconciliation very often led to revictimization.

23. **Ms. Šimonović** said that she would like to know whether the definition of discrimination set out in national law included indirect discrimination.

24. **Ms. Azzimova** (Kazakhstan) said that the Convention was directly applicable in the Kazakh legal system and that any shortcomings in the law on State guarantees of equal rights and opportunities for men and women would therefore be made up for by the Convention itself. Thus far, there had been no proposals to amend that law, but any such proposals would be given due consideration. That statute was not the only law that addressed discrimination against women, and indirect discrimination was covered by the prohibitions on various forms of discrimination set out in national laws and regulations.

25. **Ms. Tarassenko** (Kazakhstan) said that both Parliament and the National Commission on Women's Affairs and Family and Demographic Policy monitored implementation of the law on State guarantees of equal rights and opportunities for men and women. In cooperation with UN-Women, the Commission was conducting a survey on the need for temporary special measures. The results of that survey might lead to changes in the law on State guarantees.

26. **Ms. Bekbossynova** (Kazakhstan) said that the Domestic Violence Act was currently being reviewed by Parliament.

27. **Mr. Lepekha** (Kazakhstan) said that less serious disputes involving domestic violence could be settled out of court through mediation. In such cases, the police carefully monitored the situation over a three-month period, and the perpetrator could be ordered to pay compensation.

28. **Ms. Satvaldinova** (Kazakhstan) said that, in cases settled through mediation, the offence was still registered. In 2013, about 400 women had filed complaints of sexual

domestic violence. Of those cases, about 100 had resulted in prison sentences, and others were still under investigation.

29. **Ms. Neubauer**, while acknowledging the improvements made during the reporting period, said that further results-oriented measures were needed to improve women's representation in political and public life and in decision-making positions, to close the gender wage gap, to reduce occupational segregation and to improve protection for disadvantaged groups of women. She would like to know whether any steps had been taken to increase public awareness about the usefulness of temporary special measures as a means of achieving de facto gender equality and whether the possibility of implementing such measures had been discussed with all stakeholders. Why had the proposal to include such measures in the law on State guarantees of equal rights and opportunities for men and women been rejected? She wondered how the Government hoped to achieve the target of having 30 per cent of decision-making posts filled by women without implementing any results-oriented measures.

30. **Ms. Šimonović** said that she welcomed the inclusion of a Member of Parliament in the State party's delegation. She would appreciate further information on the bill regulating shelters for victims of domestic violence and on State cooperation with the NGOs that ran those shelters. She also wished to know more about the types of protection orders available to women victims of violence. How would the State decide which types of violence would be covered by specific domestic violence legislation and which types would be punished under the Criminal Code? She wished to know whether the State party planned to refine the definition of rape that appeared in its legislation. Lastly, she would like to have statistics on the number of women who had been murdered by a partner or former partner.

31. **Ms. Acar** said that the State party was to be commended for its high ranking in the Global Gender Gap Index of the World Economic Forum, but it was important to be vigilant in detecting social and cultural endorsements of gender stereotypes, which were sensitive issues. Would the planned legislation on violence against women cover other types of violence against women, in addition to domestic violence? She would like to urge the State party to take account of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence when drafting that legislation, particularly its provisions on sexual harassment and stalking.

32. **Ms. Gabr** said that she welcomed the passage of the new legislation on human trafficking and would be interested to learn what steps were being taken to raise awareness of the issue among law enforcement officials and members of the judiciary. She wished to know to what extent the Government was willing to cooperate with other countries in the fight against trafficking. What mechanisms were in place for the identification and referral of victims?

33. **Ms. Leinarte** said that she was aware that prostitution was legal in Kazakhstan and would like to have statistics on the scale of prostitution in the country. She wished to know whether HIV testing and other free medical services were available to street prostitutes.

34. **Ms. Bekbossynova** (Kazakhstan) said that the President had established a 30 per cent quota for women in senior government posts, and an action plan for achieving that target which covered the period up to 2016 had been drawn up.

35. **Ms. Tarassenko** (Kazakhstan) said that a special programme had been established to support women entrepreneurs, particularly in rural areas. Political parties were encouraged to adopt voluntary quotas in order to ensure that at least 30 per cent of their candidates were women. It was expected that at least some political parties would use such quotas in the upcoming parliamentary elections.

36. **Ms. Azzimova** (Kazakhstan) said that State financing was crucial to ensure the sustainability of the country's crisis centres and the continued presence of experienced staff, and funding for those centres had therefore been extended for another three years.

37. **Ms. Bekbossynova** (Kazakhstan) said that a regional seminar had been held in July 2013 on the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. A group of experts had been working with the Government of Kazakhstan to assist it with the preparations for ratification and implementation of that Convention.

38. **Mr. Lepekha** (Kazakhstan) said that the 2009 Domestic Violence Act had proven to be very effective. Over 140 restraining orders had been issued, more than 1,000 persons had been prosecuted in 2013, the number of cases of domestic violence had fallen by 23 per cent since 2009, and spousal murders had decreased from 330 in 2009 to 280 in 2013. Under a special administrative law dealing with offences where physical violence was not a factor, persons could be held in preventive detention for up to 5 days. There were still some shortcomings in the Domestic Violence Act, which was therefore going to be amended so that persons who committed domestic violence could be arrested, rather than merely fined, and so that restraining orders could be extended for up to 30 days. The police also worked with the crisis centres to provide support for victims of domestic violence. A bill was currently before Parliament that would amend both the Administrative Code and the Criminal Code provisions on the more serious offences. Domestic violence was now covered more thoroughly in the Criminal Code, and most offences fell under criminal law rather than administrative law.

39. Existing legislation on human trafficking and on sexual or labour exploitation had been amended to bring national laws into line with international law. There had been 136 convictions for human trafficking in 2013, compared to 58 in 2008. Penalties were harsher when minors were involved, and a specific provision on child prostitution and on the organization of prostitution rings had been incorporated into the Criminal Code. An intergovernmental committee had been set up in 2006 which was designing campaigns to raise public awareness about the legislation on human trafficking and to encourage victims to go to the police. A special government office had been created to deal with human trafficking, and the Ministry of the Interior provided training on means of combating human trafficking and illegal migration, as the two were interrelated. Kazakhstan was also working closely with other countries, international organizations such as the International Organization for Migration (IOM), civil society and NGOs to put an end to trafficking.

40. **Ms. Toleghaliyeva** (Kazakhstan) said that 33 medical consultation units had been set up nationwide to provide confidential health-care services to prostitutes, including HIV testing, free condoms and psychological support. It was estimated that 96 per cent of sex workers used condoms and that 77 per cent had been tested for HIV. Prostitutes accounted for only around 1 per cent of persons living with HIV.

41. **Ms. Bekbossynova** (Kazakhstan) said that the National Commission on Women's Affairs and Family and Demographic Policy worked on an ongoing basis to convince people to relinquish patriarchal attitudes and deep-rooted stereotypes. It had organized training courses and seminars to raise public awareness about the harmful effects of early and forced marriage and violence against women. It had also developed a programme to help women achieve a work/life balance and had established a business club for women.

42. **Mr. Porubaimekh** (Kazakhstan) said that NGOs received State funds to assist them in their efforts to promote gender equality. Funding was also provided to help political parties to provide training courses for women who wished to run for Office and to organize leadership courses for women. Financing was also supplied by the Ministry of Information

for activities aimed at helping to change patriarchal attitudes through education activities, television programmes, the mass media and websites.

43. **Ms. Acar** said that she would like to know if the amendments to the Domestic Violence Act would conform to international standards and whether they were modelled on the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. What action was being taken to eliminate patriarchal and stereotypical views of the role of women in the family and to safeguard the rights of women as individuals?

44. **Ms. Zou** Xiaoqiao said that she would like to know whether amendments to the Domestic Violence Act included provisions that would make domestic violence a criminal offence. Were there plans to set up crisis centres in cities or regions where no such centres currently existed?

45. **Mr. Lepekha** (Kazakhstan) said that international experts had been consulted on the proposed amendments to the Domestic Violence Act. The amended text would cover any deliberate act of physical or psychological violence or a threat of such violence directed at another individual in a domestic environment. All administrative infractions relating to domestic violence had been classified as criminal offences in the draft revised Criminal Code. There was no specific provision on stalking in the Criminal Code, but it would be covered under the new Administrative Code, and cases based on those charges could be brought before the civil courts. The laws on prostitution focused on punishing persons who involved minors in such activities or organized prostitution rings.

46. **Ms. Bekbossynova** (Kazakhstan) said that there were two regional crisis centres and that more would be opened as and when required.

47. **Mr. Balykbayev** (Kazakhstan) said that the main way to overcome negative stereotypes was through education and awareness-raising among young people. Gender studies courses were included in school curricula, and the promotion of gender equality in school began early on. Family values were also instilled. Gender-sensitive training was provided for teachers and social workers, and steps were being taken to encourage parents to change attitudes that ran counter to gender equity.

48. **Ms. Khairullina** (Kazakhstan) said that the State and NGOs were working with the spiritual leaders of different ethnic groups and religious communities, especially in rural areas. Seminars and programmes had been organized to help those leaders to gain a better understanding of national and international legislation on women's issues and gender equality. A pamphlet on reproductive health issues and the prevention of violence against women had been produced for distribution at mosques and churches.

49. **Ms. Satvaldinova** (Kazakhstan) said that the Criminal Code included a provision on acts of psychological or physical violence or the threat of such violence, which were punishable by a fine or imprisonment. If the victim had been left without means of support, was pregnant or had been subjected to torture, then those acts were punishable by terms of imprisonment of at least 7 years.

50. **Ms. Šimonović** suggested that the authorities working on the amendments to the Domestic Violence Act might wish to refer to the portions of the Committee's general recommendation No. 19 that dealt with the obligations arising from article 2 (e) of the Convention and the due diligence obligation of all States parties to prevent private individuals from committing violence against women, to punish the perpetrators of such violence and to provide compensation. The Committee's jurisprudence also provided clear guidance on provisions relating to protection orders and other measures that should be incorporated into domestic violence laws.

51. **Ms. Pires** said that the overall low level of women's representation at decision-making levels remained a cause of concern for the Committee. She would welcome further information on the steps being taken to promote women's assumption of leadership positions in political parties. What factors hindered women from being elected to national and local legislatures and how was the problem being addressed? She would like to know whether any assessment had been made of the effectiveness of the campaigns conducted to combat patriarchal attitudes and stereotypes that made it more difficult for women to gain access to political office. What measures had been adopted in an effort to achieve the target of having women in 30 per cent of the seats in all national and local decision-making bodies by 2016? In those bodies that had already achieved the 30 per cent target, was there political will to move towards parity by 2016? Was there a timetable for the review of current legislation with a view to the possible incorporation of provisions on temporary special measures? She wondered whether there was political will to move towards a mandatory quota on women's representation, with possible sanctions for political parties that were not in compliance. She would like to know what steps would be taken to increase the number of women in the diplomatic service. How many women represented Kazakhstan internationally and, out of the total diplomatic service, what percentage of the country's representatives were women?

52. **Ms. Tarassenko** (Kazakhstan) said that women were steadily taking on a greater role in national and local government and in the diplomatic service. A number of measures had been adopted to increase the number of women in decision-making bodies to a minimum of 30 per cent of the total by 2016. Regional groups of female politicians were making a valuable contribution to the development of gender policy and the effort to enable women to attain influential positions in politics and society.

53. **Ms. Zhunussova** (Kazakhstan) said that the Labour Code prohibited discrimination in employment. Around 40 per cent of the diplomatic staff in the Ministry of Foreign Affairs were women, as compared to 26 per cent in 2004, and around 6 per cent of the persons holding leadership positions in the diplomatic service were women. Women regularly participated in governmental delegations representing Kazakhstan at the international level. Of the country's five representatives to the United Nations, three were women.

The meeting rose at 1 p.m.